

VZCZCXRO5513
PP RUEHFL RUEHKW RUEHLA RUEHROV RUEHSR
DE RUEHVJ #0494/01 0741716
ZNY CCCCC ZZH
P 141716Z MAR 08
FM AMEMBASSY SARAJEVO
TO RUEHC/SECSTATE WASHDC PRIORITY 8044
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE PRIORITY
RUCNDT/USMISSION USUN NEW YORK PRIORITY 0091
RUFOAOA/USNIC SARAJEVO BK PRIORITY
RUEAIIA/CIA WASHINGTON DC PRIORITY
RHEFDIA/DIA WASHINGTON DC PRIORITY
RUEKJCS/JCS WASHINGTON DC PRIORITY
RUEKJCS/JOINT STAFF WASHINGTON DC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RUEKJCS/SECDEF WASHINGTON DC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 03 SARAJEVO 000494

SIPDIS

SIPDIS

EUR/SCE (HOH, FOOKS, STINCHCOMB), S/WCI (WILLIAMSON, LAVINE); NSC FOR BRAUN; OSD FOR BEIN; EMBASSY THE HAGUE FOR SCHILDGE AND MANNING; ZAGREB FOR KSELINGER; BELGRADE FOR BELL

E.O. 12958: DECL: 03/14/2018

TAGS: [PGOV](#) [PREL](#) [KJUS](#) [BK](#)

SUBJECT: BOSNIA - BRAMMERTZ VISITS BOSNIA; RADMANOVIC INVOKES VNI ON ICTY ARCHIVES

REF: SARAJEVO 161

Classified By: Deputy Chief of Mission Judith B. Cefkin for Reasons 1.4 (B) AND (D)

11. (U) SUMMARY: Serge Brammertz, the Chief International Prosecutor at the International Criminal Tribunal for the former Yugoslavia (ICTY), visited Bosnia March 5-8. He met with key government leaders; representatives from the judicial and law enforcement services; representatives from international organizations; and victims groups. The Head of ICTY in Bosnia Howard Tucker told us that Brammertz used his meetings to: express support for state-level judicial institutions; urge Bosnian officials to beef up efforts against the support networks of Persons Indicted for War Crimes (PIFWCS), and; highlight the need for a mechanism to remain in place to prosecute Radovan Karadzic, Ratko Mladic, and other fugitives after ICTY closes. Bosnian interlocutors stressed the importance of capturing and prosecuting PIFWCS, housing the ICTY archives in Sarajevo, and the need for prison reform and better information sharing between the police and intelligence service.

12. (U) On March 6, only hours after meeting Brammertz, Haris Silajdzic, the Bosniak member and Chair of the Presidency, proposed that the Presidency authorize the State Ministry of Justice to study the idea of housing the ICTY archives in Sarajevo. Zeljko Komsic, the Croat member of the Presidency, voted in favor of the initiative, but Nejbosa Radmanovic, the Serb member of the Presidency, opposed and invoked his vital national interest veto to block it. He argued that the initiative would hurt Bosnian Serb interests by creating new tensions in country and that Bosnia lacked the capacity to house the archives. The Republika Srsпка National Assembly (RNSA) will consider Radmanovic's veto on March 17 and is expected to uphold it. END SUMMARY

Brammertz,s Key Themes

13. (U) Serge Brammertz, the new ICTY Chief Prosecutor, made an introductory visit to Bosnia March 5-8. He met with the members of the Presidency, with the State Prosecutor,s Office, the State Court, intelligence and police officials, High Rep Lajcak, Foreign Minister Sven Alkalaj, EUFOR and

NATO representatives, the International Committee for Missing Persons (ICMP), and victims groups, including the Mothers of Srebrenica. Brammertz also attended a small reception for the diplomatic community hosted by the Slovenian Embassy where he met briefly with the Ambassador. In his meetings with interlocutors, Brammertz said he expects a section of ICTY to remain open after its closure in 2010 to prosecute Radovan Karadzic and Ratko Mladic and other fugitives once they are captured. He also expressed support for state-level judicial institutions and the need for Bosnian officials to beef up their activities against the support networks of PIFWCS.

The View from Justice, Intelligence Officials

¶4. (C) According to Howard Tucker, who heads ICTY's Bosnia office, Bosnian police, intelligence, and judicial officials focused on challenges they face handling war crimes issues. Intelligence officials complained about insufficient information sharing between the police and the intelligence services regarding the activities of alleged war criminals. Representatives from the War Crimes Department (WCD) of the State Prosecutor's Office stressed the need to reform the country's prison system. They said they expect to process 60 war crimes cases involving multiple perpetrators in 2008. Even if most are convicted, the prison system would not be able to accommodate them because it is already operating at 25 percent above capacity. WCD representatives predicted that the construction of the State Prison may at most deal with 10 percent of the overflow. (Note: The final elements of a funding package for the State Prison should be in place soon once the Council of Europe Development Bank approves a

SARAJEVO 00000494 002 OF 003

loan request from Bosnia for the prison project. End Note)

Meeting with the Presidency

¶5. (C) Tucker reported that Silajdzic was the most vocal interlocutor at Brammertz's meeting with the Tri-Presidency. Silajdzic pressed to have ICTY remain open past 2010 and argued that Sarajevo should house ICTY's archives. According to press reports, Silajdzic also complained to Brammertz that Serbia had failed to implement remedies outlined the February 26 International Court of Justice (ICJ) verdict that Serbia had violated its obligations to prevent and to punish genocide. (Note: The ICJ found that genocide had been committed in and around Srebrenica in July 1995. The judgement requires Serbia to cooperate with ICTY and hand over individuals accused by ICTY of acts of genocide, notably ICTY indictees Radovan Karadzic and Ratko Mladic. End Note) Silajdzic also claimed that victims groups did not want Brammertz to travel frequently to Serbia because it does not produce results.⁸ Brammertz responded by making clear that he will continue to travel to Serbia as the need arises and will convey the message to Serbian officials that there is no alternative to arrest.⁸

Radmanovic Invokes VNI on ICTY Archives

¶6. (U) A few hours after meeting with Brammertz, the Presidency held a session in which Silajdzic proposed that the State Ministry of Justice examine housing the ICTY archives in Bosnia after ICTY closes. Komsic supported the initiative, but Radmanovic asked for time to consider the matter. Subsequently on March 8, he invoked vital national interest (VNI) and voted to block the measure. Radmanovic argued that transferring the archives to Bosnia would hurt Bosnian Serbs' interests by "creating new tensions." He also argued that Bosnia lacks the capacity to store the archives, citing the disappearance of an original copy of the Dayton Peace Accord and the government's failure to retrieve Presidency archives that were taken to Croatia for

safekeeping during the 1992-1995 war to back up his claim. We expect that the RSNA, which has ten days to decide on the matter, will support Radmanovic's position and uphold his veto.

Lajcak and Alkalaj

17. (C) Tucker told us that in his meeting with High Rep Lajcak, Brammertz said that Bosnian officials have been cooperating fully with his office. Lajcak, in turn, informed Bramertz that he would not hesitate to use his Bonn Powers to uphold the work of ICTY and to support war crimes prosecution. As an aside, Tucker added that RS Prime Minister Dodik has also been cooperative and that it is his understanding that Dodik would support the use of Bonn Powers only in connection with war crimes. Brammertz also met with Foreign Minister Alkalaj and raised the need for Bosnia to sign international agreements or prosecutorial arrangements with the neighboring countries to facilitate case and evidence transfers. (Note: The unfinished draft of the National Action Plan for Processing War Crimes Cases supports the signing of such agreements. However, it remains to be seen whether the working group tasked with studying the issue will accept the idea. Adoption of the action plan is one of five Peace Implementation Council objectives that must be met before OHR closes and transitions to EUSR. End Note)

Brammertz,s Impressions

18. (C) During the diplomatic reception, Brammertz shared his impressions with us about his visit. He praised the work of the international secondees at the State Prosecutor,s Office and the State Court. He noted that Milorad Barasin, the acting Chief Prosecutor, had vowed to do a better job than his boss, Chief Prosecutor Jurcevic who is on extended sick

SARAJEVO 00000494 003 OF 003

leave. Brammertz expressed surprise at the lack of information sharing between the police and intelligence agencies on war criminals. He also singled out the victims, groups for praise, particularly the Mothers of Srebrenica. He said the Mothers made well-presented points, suggesting that war criminals like Milosevic be tried after they died and that ICTY try alleged war criminals in absentia. They also asked Brammertz about the possibility of gaining access to confidential documents provided by various countries to ICTY.

Comment

19. (C) By all accounts, Brammertz struck the right chord during his trip to Bosnia. He left the impression that he has a solid grasp of Bosnia,s limitations in dealing with war crimes, that he will more attentive to victims groups, and that he will be much more low-key than his predecessor. Although he did not brief PIC ambassadors during his visit, we understand that Brammertz intends to do so at the next PIC meeting, which will take place in Sarajevo in June. The ICTY archives issue is a sensitive one in Bosnia because of the large number of crimes committed here during the break-up of Yugoslavia. The Research and Documentation Center, which has an outstanding track record of scrupulous research into war time atrocities, has a well-intentioned interest in housing the archives. We suspect that Silajdzic's interest in the archives is limited to exploiting the issue to further his political agenda. Though Radmanovic's claim that housing the archives in Sarajevo would somehow hurt Bosnian Serb interests rings hollow, his assertion that the government lacks the capacity to house the archives is probably accurate.
ENGLISH